

STATE OF MONTANA  
DEPARTMENT OF JUSTICE  
DIVISION OF CRIMINAL INVESTIGATION  
LAW ENFORCEMENT ACADEMY

EXHIBIT 1  
DATE 4-1-09  
# 34

Mike McGrath  
Attorney General



2260 Sierra Road East  
Helena, MT 59602-8836

June 26, 2007

TO: Fred Hansen, Loss Control Specialist  
Montana Association of Counties

FROM: Kevin Olson, Administrator  
Montana Law Enforcement Academy

RE: Policy Considerations for Persons with Mental Disorders

On May 30, 2007 the Montana Model Policy Guideline Advisory Committee met at the Montana Law Enforcement Academy to draft model policy guidelines pertaining to Dealing Effectively with Persons with Mental Disorders for Montana's law enforcement agencies and officers.

This committee is comprised of the following persons:

Ms. Deb Matteuci, Department of Public Health and Human Services  
Mr. Dennis Nyland, Deputy - Lewis and Clark County Sheriff's Office  
Mr. Terry Jessee, Licensed Counselor - Billings Clinic  
Mrs. Kathy McGowan, Montana Sheriff's and Peace Officers Association  
Mrs. Cheryl Liedle, Sheriff - Lewis and Clark County Sheriff's Office  
Mr. Bryan Dellwo, Police Officer - City of Helena Police Department  
Ms. Anita Rossmann, Montana Advocacy Project  
Mr. Bill Michaelis, Lieutenant - Yellowstone County Sheriff's Office  
Ms. Gayle Baker, Tri-County Mental Health Center  
Ms. Sandy Mihelish, National Alliance for Mental Illness, (NAMI)

A model policy was drafted and is currently in the final review process. When complete, this model policy will be distributed to each city, county and state law enforcement agency.

During this committee's deliberations, the topic was discussed of how law enforcement officers should transport persons with mental disorders in a safe yet humane fashion.

It was the committee's unified opinion that in those instances that law enforcement officers are called upon to transport persons suspected of having a mental disorder, one of three things have had to occur.

1. The officer has assessed the situation and determined that the person suspected of the mental disorder is in imminent danger of death or serious bodily harm to themselves or others;

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2. The professional person, (as prescribed in Montana statute) has determined the person suspected of the mental disorder is in imminent danger of death or serious bodily harm to themselves or others;
3. A court of competent jurisdiction has determined that the person suspected of the mental disorder is in imminent danger of death or serious bodily harm to themselves or others.

Based upon this determination it is recommended and proper to use appropriate restraint devices up to and to include the proper application of handcuffs, in order to minimize risk of harm to the person and the officer during transport.